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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,265	11/17/2003	Kevin Currans	200205905-1	5095

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EXAMINER	
DURNFORD GESZVAIN, DILLON	
ART UNIT	**PAPER NUMBER**
2622	

NOTIFICATION DATE	DELIVERY MODE
08/25/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/715,265	CURRANS, KEVIN	
	Examiner	Art Unit	
	Dillon Durnford-Geszvain	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 June 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Claims **1-30** are pending, claims **1** and **12** are amended, and claims **25-30** are newly added.

Response to Arguments

2. Applicant's arguments with respect to claims **1** and **12** have been considered but are moot in view of the new ground(s) of rejection.

3. Applicant's arguments, see page 8, filed 6/5/2008, with respect to the rejection(s) of claim(s) **23** and **24** under 35 U.S.C. § 112 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US 2001/0015759 (Squibbs) in view of US 2001/0041020 (Shaffer).

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims **1-6, 8, 12-17** and **19** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,469,698 (Fukahori) in view of US 2004/0021780 (Kogan).

6. As to claim **1**, Fukahori teaches a method of correlating an image with information associated with information associated with the image comprising:

identifying image metadata for the image (step S101 and S102 in Fig. 2), wherein

the image metadata includes information associated with the conditions at the time of image capture (Column 3 lines 7-17);

searching one or more information sources using parameters in the image metadata to collect inference information from the information sources, the inference information including location identification information (Column 4 lines 8-51); and

displaying the image inference information (Fig. 4 and Column 4 lines 8-51).

What Fukahori does not explicitly teach is that filed of view information is included in the inference information. However, Kogan teaches using location collecting location information and field of view information ([0016] and [0018]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used metadata for an image that includes information associated with the conditions at the time of capture to collect information including location identification information and field of view information, as is done in Kogan, as this would allow for objects in an image (monuments, geographical formations, etc.) to be identified for a user accurately.

7. As to claim **2**, see the rejection of claim **1** and note that Fukahori further teaches the method of claim **1** further comprising:

receiving one or more inputs from the user identifying selected inference information (Column 4 line 52 to Column 5 line 6); and

adding the selected inference information to an image file for the image (Column

5 line 49 to Column 6 line 13).

8. As to claim **3**, see the rejection of claim **1** and note that Fukahori further teaches the method of claim **1** further comprising:

receiving one or more inputs from the user identifying selected inference information (Column 4 line 52 to Column 5 line 6); and

adding the selected inference information to an inference metadata file linked to the image (Column 5 line 49 to Column 6 line 13).

9. As to claim **4**, see the rejection of claim **1** and note the Fukahori further teaches the method of claim **1** wherein the image metadata includes parameters selected from the group consisting of:

time of image capture;

date of image capture;

location of image capture (Column 3 lines 7-17);

direction of image capture device during image capture; and

angle of image capture device during image capture.

10. As to claim **5**, see the rejection of claim **1** and note that Fukahori further teaches the method of claim **1** wherein the image metadata includes a latitude and longitude of the image capture device (Column 3 lines 7-17).

11. As to claim **6**, see the rejection of claim **1** and note that Fukahori further teaches the method of claim **1** wherein the image metadata includes location information generated by tracking multiple earth-orbiting satellites (Column 3 lines 7-17).

12. As to claim **8**, see the rejection of claim **1** and note that Fukahori further teaches the method of claim **1** wherein the inference information is selected from the group consisting of:

landmarks located near the image;

weather at the time of image capture;

information related to the location where the image was captured (Column 4 lines 32-59, corporation name for example); and

objects that are within the field of view of the image capture device.

13. Claims **12-17** and **19** are apparatus claims that correspond to the method claims **1-6** and **8** respectively and are therefore rejected on the same grounds but directed to an apparatus instead of a method.

14. Claim **25** is similar to claim **1** and is rejected on the same grounds.

15. As to claim **26**, Kogan further teaches annotating information such as landmarks to an image ([0012]).

16. As to claim **29**, Kogan further teaches that the image metadata includes field of view metadata ([0015]).

17. As to claim **30,** Kogan further teaches using field of view metadata to identify objects and events that appear in the image or background of the image ([0016]).

18. Claim **27** is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,469,698 (Fukahori) in view of US 2004/0021780 (Kogan) further in view of US 5,978,804 (Deitzman).

19. As to claim **27**, see the rejection of claim **25** and note that what neither Fukahori nor Kogan teach is that flora and fauna that can be found in the location associated with the location name is additional inference information. However, Deitzman teaches a database for storing flora and fauna associated with specific regions (C30 L61-67). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have found flora and fauna data as additional inference data if a user is interested in the flora and fauna from where an image was captured as this would allow for the information associated with the image to be more customizable for a user.

20. Claim **28** is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,469,698 (Fukahori) in view of US 2004/0021780 (Kogan) further in view of US 6,690,883 (Pelletier).

21. As to claim **28**, see the rejection of claim **25** and note that neither Fukahori nor Kogan teach that atmospheric associated with the location name is additional inference information. However, Pelletier teaches annotating an image with the weather conditions at the time of capture (C6 L12-28). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have associated atmospheric conditions (weather) for the location associated with the location at the time of capture with the image as this would allow for the image to be annotated more thoroughly.

22. Claims **7** and **18** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,469,698 (Fukahori) in view of US 2004/0021780 (Kogan) further in view of US 6,961,096 (Tsujimoto).

23. As to claim **7**, see the rejection of claim **1** and note that Fukahori does not teach printing the image, the image metadata, and selected inference information.

However, Tsujimoto teaches printing image data along with associated meta-data and other descriptive information, such as a location name (See Fig. 6 and Column 8 lines 61-67 and Column 11 lines 41-48). This feature allows for the benefit to the user of being able to identify the circumstances surrounding an image capture including a place name (Column 8 lines 47-51 and Column 11 lines 41-48).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have made prints of the images taken by the method of Fukahori and to have further printed meta-data and the associated inference data as is

done in a method taught by Tujimoto as discussed above as this would allow a user to identify when and where the image was taken.

24. Claim **18** is an apparatus claim that corresponds to the method claim **7** and is therefore rejected on the same grounds but directed to an apparatus instead of a method.

25. Claims **9-11** and **20-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,469,698 (Fukahori) in view of US 2004/0021780 (Kogan) further in view of US 2004/0114042 (Paolini).

26. As to claim **9**, see the rejection of claim **1** and note that what Fukahori does not explicitly teach is searching a first database using image metadata to identify inference information; and searching a second database using the inference information to identify additional inference information.

However, Paolini searching a first database (a local database) using the image metadata to identify the inference information ([0032]); and searching a second database (a web-based batabase, for example) using the inference information to identify additional inference information ([0034]).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have searched a second larger database if the first database did not find the information that the user required ([0034] of Paolini).

27. As to claim **10**, see the rejection of claim **1** and note that what Fukahori does not explicitly teach is associating the image metadata with a series of images taken over a period of time.

However, Paolini teaches associating metadata with a series of images taken over a period of time ([0019], note the system may be used to annotate videos).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added metadata to a series of images taken over a period of time as is done in Paolini to the method of Fukahori as this would allow for easier identification of videos as well as still images.

28. As to claim **11** see the rejection of claim **1** and note that Fukahori does not explicitly teach is associating the image metadata with a series of images taken over a period of time while the location of the image capture device was changing.

However, Paolini teaches associating metadata with a series of images taken while the location of the image capture device was changing ([0019], the system may be used to capture data associated with video, or see Fig. 3 and note that the method of Fig. 3 may be carried out repeatedly).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have associated image capture metadata with a series of images where the location was changing as is done in Paolini in the method of Fukahori as this would allow for the location where the series of images were recorded to be

determined separately and would help to identify the images for a user.

29. Claims **20-22** are apparatus claims that correspond to the method claims **7** and **9-11** respectively and are therefore rejected on the same grounds but directed to an apparatus instead of a method.

30. Claims 23 and **24** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2001/0015759 (Squibbs) in view of US 2001/0041020 (Shaffer)

31. As to claim **23**, Squibbs teaches a method comprising:

storing image data representing pixels in a captured image ([0104]);

storing image metadata representing data associated with conditions at the time that the image was captured ([0113]-[0115]);

generating inference metadata by searching information databases using at least a portion of the image metadata ([0049] note that the semantic location data is assigned to the image by a user and the information has to come from some sort of database, even if that database is only information contained in the memeory of the user); and

matching the inference metadata with the image data ([0049]).

What Squibbs does not explicitly teach is calculating a confidence factor relating to the matched inference data to rate how closely the inference metadata matches the captured image. However, Shaffer teaches using a confidence factor when making calculations with subjective data about an image such as the location of the image ([0021]). Therefore it would have been obvious to one of ordinary skill in the art at the

time the invention was made to have used a confidence factor to determine how closely the matched inference data of Squibbs, which is subjective data, matches the captured image as this would allow for the closest match to be used when collecting inference metadata.

As to claim **24**, see the rejection of claim **23** and note that Squibbs further teaches the method of claim **23** further comprising: storing an identity of a person supervising the match (USER ID, see Fig. 4).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dillon Durnford-Geszvain whose telephone number is (571)272-2829. The examiner can normally be reached on Monday through Friday 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dillon Durnford-Geszvain

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